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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2155

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,884

Applicant(s)

JOHANSON ET AL.

Examiner

Victor Lesniewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 8, 14, 18, 22, 26 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13, 15-17, 19-21, 23-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 8/17/2004 has been placed of record in the file.
2. Claims 1, 9, 15, 19, 23, 24, and 27 have been amended.
3. Claims 8, 14, 18, 22, 26, and 29 have been canceled.
4. The applicant's arguments with respect to claims 1-7, 9-13, 15-17, 19-21, 23-25, 27, and 28 have been considered but are moot in view of the following new grounds of rejection.

Response to Amendment

5. Claims have been amended to show a request for location coordinates and the transmittal of location coordinates between electronic devices via Bluetooth signals. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state the use of Bluetooth for wireless communication between the devices. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 7, 13, 17, 21, 25, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. A claim containing a broad range or limitation that is dependent on a claim containing a narrow range or limitation that falls within the broad range or limitation is considered indefinite, since the dependent claim does not clearly set forth the metes and bounds of the patent protection desired. In the present instance, claims 7, 13, 17, 21, 25, and 28 recite the broad recitation that the claimed signals are radio signals, while the claims on which they depend already recite that the claimed signals are Bluetooth signals which is a narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 4-7, 9-13, 15-17, 19-21, 23-25, 27, and 28 are rejected under 35 U.S.C.

102(e) as being anticipated by Bork et al. (U.S. Patent Number 6,246,376), hereinafter referred to as Bork.

11. Bork has disclosed:

- <Claim 1>

A system for communicating with nearby electronic devices comprising: a first electronic device (figure 2, item 202); at least one other electronic device (figure 2, item 204); said first electronic device broadcasting a first Bluetooth signal requesting location coordinates from electronic devices within range (column 4, lines 60-64 and column 5,

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lines 13-17); and said at least one other electronic device within a predetermined range of said first electronic device receiving said first signal and transmitting a second Bluetooth response signal containing its location coordinates (column 4, line 64 through column 5, line 2).

- <Claim 2>

The system as in claim 1 wherein said first electronic device receives said second response signal and visually displays said at least one other electronic device indicating the position of said at least one other electronic device relative to said first electronic device (column 5, lines 2-12).

- <Claim 4>

The system as in claim 1 wherein said second response signal includes the type of said at least one electronic device in said second response signal (column 1, lines 48-57).

Including a designation for the type of device is inherent in a system using Bluetooth as the protocol defines a Bluetooth Device Class as well as device and service types.

- <Claim 5>

The system as in claim 4 wherein said first electronic device displays the type of said at least one other electronic device (column 1, lines 48-57).

The Bluetooth Device Class is used on the user interface level.

- <Claim 6>

The system as in claim 1 wherein one of said at least one other electronic device can be selected at said electronic device to communicate with said electronic device (column 1, line 55 through column 2, line 3).

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- <Claim 7>

The system as in claim 1 wherein said first and second signals are radio signals (column 5, lines 13-17).

- <Claim 9>

An electronic device comprising: a transceiver (figure 1, item 111); a controller coupled to said transceiver (column 3, lines 15-18); a display screen coupled to said controller (figure 1, item 114); a user input device coupled to said controller (figure 1, item 102); and a GPS receiver coupled to said controller (figure 1, item 104); said controller operating in response to a first input at said electronic device to cause said transceiver to transmit a first Bluetooth signal requesting a response Bluetooth signal from another electronic device containing the GPS coordinates of said another electronic device (column 4, lines 60-64 and column 5, lines 13-17); said controller further operating in response to receipt of said response signal from said another electronic device to visually display on said display screen the position of said another electronic device relative to said first electronic device (column 5, lines 2-12).

- <Claim 10>

The device as in claim 9 wherein said first signal also requests the device type of said another electronic device (column 1, lines 48-57).

See discussion of claim 4 above.

- <Claim 11>

The device as in claim 10 wherein said visual display also includes the device type of said another electronic device (column 1, lines 48-57).

See discussion of claim 5 above.

- <Claim 12>

The device as in claim 9 wherein said controller further operates in response to receipt of response signals from a plurality of electronic devices (column 1, line 55 through column 2, line 3) to visually display on said display screen the position of each of said plurality of electronic devices relative to said first electronic device (column 5, lines 2-12).

- <Claim 13>

A device as in claim 9 wherein said first and second signals are radio signals (column 5, lines 13-17).

- <Claim 15>

An electronic device comprising: a transceiver (figure 1, item 111); a controller coupled to said transceiver (column 3, lines 15-18); and a GPS receiver coupled to said controller (figure 1, item 104); said controller operating in response to receipt of a first Bluetooth signal from another electronic device requesting the GPS coordinates of said electronic device (column 4, lines 60-64 and column 5, lines 13-17); said controller causing a second Bluetooth response signal containing the GPS coordinates of said electronic device to be transmitted (column 4, line 64 through column 5, line 2).

- <Claim 16>

The device as in claim 15 wherein said first signal also requests the device type of said electronic device and said second response signal also includes the device type of said electronic device (column 1, lines 48-57).

See discussion of claim 4 above.

- <Claim 17>

A device as in claim 15 wherein said first and second signals are radio signals (column 5, lines 13-17).

- <Claim 19>

A method for communicating with nearby electronic devices comprising the steps of: transmitting a first Bluetooth signal from a user location to a least one electronic device requesting GPS coordinates (column 4, lines 60-64 and column 5, lines 13-17); detecting said first signal at said at least one electronic device; transmitting a second Bluetooth signal from said at least one electronic device to said user location containing the GPS coordinates of said at least one electronic device (column 4, line 64 through column 5, line 2); detecting said second signal containing the GPS coordinates of said at least one electronic device at said user location; and displaying the location of said at least one electronic device associated with a received second signal relative to the user location (column 5, lines 2-12).

- <Claim 20>

A method as in claim 19 further comprising the step of: selecting one of said at least one electronic device at said user location according to said displayed location of said at least

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one electronic device; said user location communicating with said selected electronic device (column 1, line 55 through column 2, line 3).

- <Claim 21>

A method as in claim 19 wherein said first and second signals are radio signals (column 5, lines 13-17).

- <Claim 23>

A method for communicating with nearby electronic devices comprising the steps of: displaying the location of at least one other electronic device relative to a user electronic device (column 5, lines 2-12); selecting a target electronic device according to said displayed location; and communicating with said selected electronic device using Bluetooth signals (column 5, lines 8-12).

- <Claim 24>

A method as in claim 23 further comprising the steps of: transmitting a first Bluetooth signal from a user location to a least one electronic device requesting location coordinates (column 4, lines 60-64 and column 5, lines 13-17); detecting a second Bluetooth signal containing the location coordinates of said at least one electronic device at said user location (column 4, line 64 through column 5, line 2).

- <Claim 25>

A method as in claim 14 wherein said first and second signals are radio signals (column 5, lines 13-17).

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- <Claim 27>

A method for communicating with nearby electronic devices comprising the steps of:
detecting a first Bluetooth signal at an electronic device requesting the location
coordinates of said electronic device (column 4, lines 60-64 and column 5, lines 13-17);
transmitting a second Bluetooth response signal containing the location coordinates of
said electronic device (column 4, line 64 through column 5, line 2).

- <Claim 28>

A method as in claim 27 wherein said first and second signals are radio signals (column
5, lines 13-17).

Since all the limitations of the invention as set forth in claims 1, 2, 4-7, 9-13, 15-17, 19-21, 23-25, 27, and 28 were disclosed by Bork, claims 1, 2, 4-7, 9-13, 15-17, 19-21, 23-25, 27, and 28 are rejected.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under U.S.C. 103(a) as being unpatentable over Bork, as applied above, in view of Itoh et al. (U.S. Patent Number 5,684,703), hereinafter referred to as Itoh.

14. Bork disclosed a system for wireless communication between two devices that allows the transfer of location information via Bluetooth. In an analogous art, Itoh disclosed a vehicle

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navigation apparatus that displays guidance and maps on a display unit. Both systems are designed to obtain location information for the user and both use GPS receivers.

15. Concerning claim 3, Bork did not explicitly state that his display could be adjustable. However, the display in Itoh's system is adjustable, specifically by scrolling or changing the scale. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by Bork by adding an adjustable display as provided by Itoh. This would make sense because it would allow for more user friendly navigation with Bork's display.

16. Thereby, the combination of Bork and Itoh discloses:

- <Claim 3>

The system as in claim 1 wherein the maximum distance said at least one other electronic device can be from said electronic device and be displayed is adjustable (Itoh, column 4, lines 51-57).

Since the combination of Bork and Itoh discloses all of the above limitations, claim 3 is rejected.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Definitions of "Bluetooth" through "Bluetooth Special Interest Group," Newton's Telecom Dictionary, Harry Newton, February 2002, pg. 104.

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18. The applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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